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Attorneys for Federal Defendants and
Defendant United States of America.

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CALIFORNIA COALITION FOR WOMEN
PRISONERS; R.B.; A.H.R.; S.L.; J.L.; J.M.;
G.M.; A.S.; and L.T., individuals on behalf of
themselves and all others similarly situated,

Plaintiffs

v.

UNITED STATES OF AMERICA FEDERAL
BUREAU OF PRISONS, a governmental entity;
BUREAU OF PRISONS DIRECTOR
COLETTE PETERS, in her official capacity;
FCI DUBLIN WARDEN THAHESHA JUSINO,
in her official capacity; OFFICER
BELLHOUSE, in his individual capacity;
OFFICER GACAD, in his individual capacity;
OFFICER JONES, in his individual capacity;
LIEUTENANT JONES, in her individual
capacity; OFFICER LEWIS, in his individual
capacity; OFFICER NUNLEY, in his individual
capacity; OFFICER POOL, in his individual
capacity; LIEUTENANT PUTNAM, in his
individual capacity; OFFICER SERRANO, in
his individual capacity; OFFICER SHIRLEY, in
his individual capacity; OFFICER SMITH, in his
individual capacity; and OFFICER VASQUEZ,
in her individual capacity,

Defendants.

CASE NO. 4:23-CV-04155-YGR

DECLARATION OF ROBERT J. FRANCE

1 I, Robert J. France, hereby declare as follows:

- 2 1. I am a Senior Attorney for Western Region for the Federal Bureau of Prisons (“BOP”). I have
 3 been in this position since 2019, and I have worked as an attorney for the BOP since 2013. As
 4 Senior Attorney, I primarily provide legal advice to our Western Regional Office and certain
 5 institutions within the Western Region to include the Federal Correctional Institution at Dublin,
 6 California (FCI Dublin). I also provide litigation support to various United States (“U.S.”)
 7 Attorney’s Offices as needed. As part of the litigation support process, I obtain and review
 8 applicable records and communicate with BOP staff to prepare documents that may be used in
 9 litigation, such as declarations.
- 10 2. I am familiar with and have regular access to BOP records and databases or BOP staff who have
 11 access to BOP records and databases, and routinely obtain and review such records as part of my
 12 duties as a Senior Attorney.
- 13 3. As directed by the Court at the sidebar following the February 27, 2024 hearing, I make this
 14 declaration to explain the process for cell searches generally, the notification procedures for
 15 administrative tort claims generally, [REDACTED]

16 [REDACTED]
 17 [REDACTED]
 18 **CELL SEARCHES**

- 19 4. According to FCI Dublin’s Special Post Orders for Housing Units, all inmate room and/or Unit
 20 common area searches must be logged into TRUSCOPE, an electronic system designed to
 21 replace logbooks in the General Population and Special Housing Units. All officers will note in
 22 TRUSCOPE the date, time, signature, room/area searched, objects removed, listed and
 23 disposition noted. An entry must be made even if no contraband is found. An excerpted copy of
 24 the Special Post Order for Housing Units is attached as Exhibit 1.
- 25 5. The Special Post Orders for Housing Units also state that room searches may be initiated for
 26 probable cause or at random. The Orders provide that searches must be done professionally,
 27 leaving the room as close to how staff found it as possible. Day (6 AM-2 PM) and Evening (2-10
 28

1 PM) Watch Officers will conduct random cell searches. The Morning (10PM-6 AM) Watch
2 Officer is responsible for searches in common areas of the unit. Exhibit 1.

3 **NOTIFICATION PROCEDURES FOR ADMINISTRATIVE TORT CLAIMS**

- 4
- 5 6. When an Adult-in-Custody (AIC) files a tort claim, she files the claim at one of the six Regional
6 Counsel's Office that provides legal coverage for the institution in which the claim accrued.
7 BOP's Western Regional Counsel's Office processes tort claims that originate out of alleged
8 personal injury that transpires at FCI Dublin. On the date the Western Regional Counsel's Office
9 receives the claim or shortly thereafter, our office mails out an acknowledgment letter advising
10 the AIC or AIC representative of when the claim is ripe for judicial review following the end of
11 the 6-month waiting period. The acknowledgment letter does not notify the facility that an
12 individual has allegation against them that should warrant placement on administrative leave.
- 13 7. As part of the administrative tort process, our office forwards tort claims to the institution
14 assigned to handle the investigation. Typically, the institution conducts the investigation and
15 sends their findings back to the Regional Counsel's Office that covers that institution. The
16 Regional Counsel's Office will review the administrative tort claim and make a finding of fact.
- 17 8. Given the serious nature of FCI Dublin sexual abuse cases, our office receives a CEO memo
18 from the FCI Dublin Warden in lieu of an investigation. The CEO memo indicates that the
19 institution had referred the claim to the Office of Internal Affairs. Our office receives copies of
20 those referral packages.
- 21 9. Our office also refers cases to OIA independently of the institution's decision to refer cases.
22 When our office receives a claim, our paralegal will write up a summary for review by our
23 Deputy Regional Counsel (DRC). If the DRC thinks it should be considered for referral, he will
24 send it to the Western Regional Executive Office. Given the serious nature of FCI Dublin cases,
25 the DRC also proactively cc's Beth Reese, OIA Chief. To cc the OIA Chief is not normal
26 practice, but our office adopted this practice as an added layer of oversight because of the FCI
27 Dublin sexual abuse cases. Whether the DRC copies Beth Reese or not, the Western Regional
28 Executive Office forwards the administrative tort claim to the FCI Dublin Warden or Acting

1 Warden (the affected institution's CEO). The Western Regional Executive Office refers the
2 information to the institution, wherein the SIA will prepare a referral for the Warden's signature
3 and transmission to the Office of Internal Affairs.

- 4 10. Institutions can become aware of issues when our office sends them tort claims for investigation
5 and when our office sends tort claims to the Western Regional Executive Office for referral.
6 Institutions can also send referrals to OIA if they think it requires referral, even if our office does
7 not think referral is appropriate. If an institution determines a referral is appropriate during the
8 course of an investigation, the institution can refer it to OIA.

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13
14 I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and
15 correct.

16 Executed this 4th day of March 2024 at Stockton, California.
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18 *Robert J. France*

19 ROBERT J. FRANCE

20 Senior Attorney

21 Western Regional Counsel's Office
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